

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

BP AMERICA PRODUCTION CO.

CIVIL ACTION NO. 08-cv-1895

VERSUS

JUDGE HICKS

R. D. BRISCOE, INC.

MAGISTRATE JUDGE HORNSBY

**MEMORANDUM ORDER**

BP America Production Company filed this civil action against R. D. Briscoe, Inc. based on an assertion of diversity jurisdiction. BP, as the party bringing the action, has the burden of setting forth the facts to ensure the existence of subject-matter jurisdiction, and the court has an obligation to ensure that BP has satisfied its burden. BP alleges that it and the defendant are corporations.

A corporation is deemed to be a citizen of (1) the state in which it was incorporated and (2) the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). To establish diversity jurisdiction, a complaint must set forth “with specificity” a corporate party's state of incorporation and its principal place of business. “Where the plaintiff [or removing party] fails to state the place of incorporation or the principal place of business of a corporate party, the pleadings are inadequate to establish diversity.” Joiner v. Diamond M Drilling Co., 677 F.2d 1035, 1039 (5th Cir. 1982). The Fifth Circuit requires strict adherence to these straightforward rules. Howery v. Allstate Ins. Co., 243 F.3d 912, 919 (5th Cir. 2001). See also Getty Oil Corp. v. Insurance Company of North America, 841 F.2d 1254, 1259 (5th

Cir. 1988) (“In cases involving corporations, allegations of citizenship must set forth the state of incorporation as well as the principal place of business of each corporation”).

BP describes itself as “a corporation domiciled” in Delaware with a principal place of business in Texas. Complaint, ¶ 2. It is not certain what BP means by alleging its “domicile,” so BP will need to amend that allegation to state with specificity the state in which it is incorporated. The complaint does adequately allege a principal place of business.

BP alleges that defendant R. D. Briscoe, Inc. is a corporation “with its principal office” in Wyoming. BP does not allege the state in which Briscoe was incorporated. Briscoe does state in its corporate disclosure filing that it is a Wyoming corporation. BP should include that allegation in an amended complaint to ensure that it has satisfied its burden with respect to alleging the diversity of the parties. BP will be permitted until **October 23, 2009** to file a motion for leave to file an amended complaint, which must include a certificate of consent or opposition as required by Local Rule 7.6W.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 2<sup>nd</sup> day of October, 2009.

  
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MARK L. HORNSBY  
UNITED STATES MAGISTRATE JUDGE